

WEEKLY REPORT
Region 9
Environmental Protection Agency
December 27, 2016 and January 3, 2017

THE WEEK OF DECEMBER 19, - DECEMBER 23, 2016

Order issued to mitigate Navajo sewage spill: After consultation with the Navajo Nation EPA, we issued a Clean Water Act compliance order to the Navajo Tribal Utility Authority (NTUA) requiring it to take several actions to mitigate a sewage spill entering the San Juan River in the vicinity of Shiprock, NM. NTUA reports that the spill was discovered on December 5th and that it continues. NNEPA is on the scene, and both NNEPA and EPA are receiving daily updates from NTUA as it has worked to identify the source of the leak, monitor the river for impacts, and mobilize resources to repair the leak. Among other things, our order requires NTUA to replace a damaged sewer pipe no later than December 31. (Greenberg x23577, Cox x23908)

Florence Copper: On December 20th, we issued the final Class III Underground Injection Control permit for the Florence Copper Production Test Facility. The permit, which authorizes construction and operation of a short-term, pilot-scale in-situ copper recovery facility in Florence, AZ, becomes effective January 30th, 2017, unless an appeal is filed with the EAB. (Albright x23971)

Toxicity Lawsuit Filed: On December 19th, Southern California Alliance of Publicly Owned Treatment Works (SCAP) et al. filed suit against EPA concerning the use of the test of significant toxicity (TST) statistical analysis procedure for evaluating whole effluent toxicity results. The suit asserts that EPA's use of TST, without going through formal rulemaking, violates the Administrative Procedures Act. The lawsuit follows an earlier case in which SCAP sought to prevent the use of the TST in California NPDES permits, and for which the court found for EPA. (Smith x23464).

Enforcement (b) (7) (A)

(Brock x23999)

Gila River Indian Community UST Cleanup: On December 21st, we issued a No Further Action (NFA) letter for the Arizona Traders UST Cleanup Site. Since 2001, we have worked extensively with the Gila River Indian Community in conducting site assessment and corrective action. We operated a soil vapor extraction system and removed approximately 50,000 pounds of hydrocarbons from the vadose zone. Over \$1M from the Federal LUST Trust was spent on the site. The Tribe concurred on the NFA proposal. (C. Prokop x23363)

Rosarito desalination plant:

Deliberative Process (b) (5)

Tijuana area and Otay Water District customers.

The desalination plant would provide drinking water to the
Deliberative Process (b) (5)

(Liden x54763)

Two R9 communities to receive Smart Growth assistance: On December 15th, the Office of Sustainable Communities announced 25 communities that will receive EPA's Smart Growth Building Blocks Program technical assistance. Bishop, CA will receive assistance in identifying strategies and tools to spur the revitalization of its town center, and Apache Junction, AZ will receive assistance to identify strategies to support infill development. (Stollman x23729)

Hunters Point Naval Shipyard Superfund site, San Francisco, CA: Enrique Manzanilla, our site team, Grant Cope of CalEPA, and Mohsen Nazemi of CA DTSC met with concerned community members and Greenaction to discuss the list

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of demands they included in a recent letter to the agencies. The main concern was the Navy's investigation of Tetra Tech's falsification of radiation samples and the credibility of related cleanup at this site and nationwide. We shared a recent letter sent to Navy management with recommendations for technical evaluation and community engagement. (Lane x23236 and Lee x74187)

THE WEEK OF DECEMBER 27, – DECEMBER 30, 2016

Bay Delta WaterFix Project: The Bureau of Reclamation is expected to publish the Final EIS for the Bay Delta WaterFix project in the Federal Register on December 30. Reclamation and the CA Department of Water Resources propose to construct dual 35-mile long tunnels underneath the Sacramento San Joaquin Bay Delta estuary to transport water for use by cities and agriculture. [REDACTED] **Deliberative Process (b) (5)** [REDACTED]

[REDACTED] (Dunning x74161)

Lake Tahoe Second Carbon Monoxide (CO) Maintenance Plan: [REDACTED] **Deliberative Process (b) (5)** [REDACTED]

[REDACTED] (Kelly x74151)

THE WEEK OF JANUARY 3, - JANUARY 6, 2017

San Francisco Bay Wetland Permitting and Monitoring Workshop: On January 5th, we will welcome federal, state, and local regulatory and non-governmental organizations to an EPA-hosted discussion regarding Bay Area wetland restoration. The workshop will focus on permitting and monitoring needs for wetlands around the Bay in light of established management and restoration plans, and new funding from Measure AA. Adaptive management of tidal marsh will be emphasized, including information for regulatory agencies to evaluate the effectiveness of restoration actions to achieve the proper abundance, distribution, and condition of tidal marsh habitats. (Jones x23470, and Siu x23983)